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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,856	12/12/2003	Seungyun Yoon	TN326	1534

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EXAMINER

WILKENS, JANET MARIE

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 11/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/734,856

Applicant(s)

YOON, SEUNGYUN

Examiner

Janet M. Wilkens

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 20-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31-47 is/are allowed.
- 6) ☒ Claim(s) 1-6, 20 and 21 is/are rejected.
- 7) ☒ Claim(s) 7-18 and 22-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/14/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams (2,270,914). Williams teaches a fixture (Figs. 2 and 3) comprising: a first rectangular plate (17, side vertical member) having a surface and a second rectangular plate (15; side vertical member) having a surface (on vertical portion and bottom horizontal portion for holding component). The first plate is pivotally connected, via a single pin and aperture (29 one on each side member), to the second plate at corner portions thereof so that in a first position, the first plate is adjacent to and in substantial alignment with the second plate (Fig. 2) and in a second position, the first plate is rotated to an orientation which laterally projects "substantially" normal from the second plate (Fig. 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holderegger (2,650,871) in view of the disclosed prior art (page 6, lines 2-19 of the instant application). Holderegger teaches a fixture (Figs. 2 and 4) comprising: a first rectangular plate (4, bottom horizontal member) having a surface and a second rectangular plate (5) having a surface. The first plate is pivotally connected, via a single pin and aperture (11,16), to the second plate so that in a first position, the first plate is adjacent to and in substantial alignment with the second plate (Fig. 4) and in a second position, the first plate is rotated to an orientation which laterally projects from the second plate (Fig. 2). Also, between the plates is a bearing plate (see Fig. 6) and a locking mechanism (7,8 14,15). Note: limitations found in intended use/"for" statements have been given no weight in the claims. For claim 1, Holderegger fails to teach a locking mechanism with a retractable tip extending through the second plate and engaging the first plate. In the instant specification, it is stated that retractable tip locking mechanisms are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the second plate of Holderegger adding this type of locking mechanism in the second plate, in addition of the locking mechanism presently used, to hold the first plate in a desired set position with respect to the second plate.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams (2,270,914) in view of the disclosed prior art (page 6, lines 2-19 of the instant application). Williams teaches a fixture (Figs. 2 and 3) comprising: a first rectangular plate (17, side vertical member) having a surface and a second rectangular plate (15;

side vertical member) having a surface (on vertical portion and bottom horizontal portion for holding component). The first plate is pivotally connected, via a single pin and aperture (29 one on each side member), to the second plate at corner portions thereof so that in a first position, the first plate is adjacent to and in substantial alignment with the second plate (Fig. 2) and in a second position, the first plate is rotated to an orientation which laterally projects "substantially" normal from the second plate (Fig. 3). A locking mechanism is also provided (33,34). For claim 1, Williams fails to teach a locking mechanism with a retractable tip extending through the second plate and engaging the first plate. In the instant specification, it is stated that retractable tip locking mechanism are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the second plate of Williams by adding this type of locking mechanism in the second plate, in place of the locking means presently used, since these means are functionally equivalent and it would appear that either means would work equally well between the plates of Williams. The retractable tip keeping the second plate from having to be bent too far outward when engaging with the first plate.

Allowable Subject Matter

Claims 7-18 and 22-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 31-47 are allowed.

Response to Arguments

Applicant's arguments filed August 28, 2006 have been fully considered but they are not persuasive.

Addressing the arguments concerning the reference of Williams: the examiner contends that Williams does teach all of the limitations found in the claims. First, it should be understood that the claims are in "comprising" format and therefore can include additional features not cited in the claims. This is the case in Williams wherein one side vertical member 17 is being considered the first rectangular plate while another vertical member 15 is being considered the second rectangular plate. Also, the pin 29 connecting these particular plates is a singular pin. Second, although in the arguments it is stated that the locking mechanism was previously claimed, it should be noted that the locking mechanism limitations added in claim 1 are different from those found in claim 19. The retractable tip of the mechanism is being claimed now. In the new 103 rejection using Williams, it is pointed out that in the instant specification, this type of retractable locking mechanism is stated as being well known (see page 6, lines 2-7). Therefore, to use this type of locking mechanism in place of the locking mechanism presently used, would have been an obvious consideration. See art rejection above.

Addressing the arguments concerning the reference of Holderegger: the examiner contends that Holderegger does teach all of the limitations found in the claims. In the new 103 rejection using Holderegger, it is, as noted above, pointed out that in the instant specification, a locking mechanism having a retractable tip is well known (see page 6, lines 2-19). Therefore, to use this type of locking mechanism in

addition to the mechanism presently used, would have been an obvious consideration, to help hold the first plate in a desired set position with respect to the second plate.

See art rejection above.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

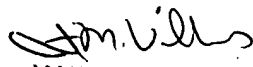
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (571) 272-6869. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wilkins
May 26, 2006


JANET M. WILKENS
PRIMARY EXAMINER
Art 3637